

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAR 14 2005
CLERK'S OFFICE
DETROIT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal Case No. 03-80810
Hon. Gerald E. Rosen

D-1 AHMAD MUSA JEBRIL,
D-2 MUSA ABDULLAH JEBRIL,

Defendants.

**CLAIM OF INTEREST IN REAL PROPERTY AND
PETITION FOR HEARING**

NOW COMES Wells Fargo Home Mortgage, f/k/a Norwest Mortgage, Inc., by and through its attorneys, Kus, Ryan, Schluentz & Brown, PLLC, and for its Claim of Interest in Real Property and Petition for Hearing, states as follows:

1. The Preliminary Order of Forfeiture and Notice of Preliminary Order of Forfeiture identifies real property commonly known as 4637 Palmer, Dearborn, Wayne County, Michigan, and further described as: Lots 44 and 45, and ½ the adjacent vacated alley, of Cloverdale Park Subdivision, as recorded in Liber 34, page 87 of Plats, Wayne County Records ("4637 Palmer"), as residential real property to which the Preliminary Order of Forfeiture relates pursuant to 18 U.S.C. § 982(A)(2)(a).

2. Wells Fargo Home Mortgage as successor in interest to Norwest Mortgage, Inc. holds a first and perfected mortgage lien on 4637 Palmer pursuant to real estate mortgage dated on November 21, 1988 and recorded in the Wayne County Real Property Records ("Real Estate Mortgage").

3. As of the date of this pleading, there is a balance due under the Promissory Note and Real Estate Mortgage in the amount of \$34,167.33. Musa A. Jebril and Subheih Jebril are the Borrowers pursuant to the Promissory Note which is dated November 21, 1988.

Kus, Ryan, Schluentz & Brown, PLLC
3201 University Drive, Suite 250
Auburn Hills, Michigan 48326-2394
248364-3090

Kus, Ryan, Schluentz & Brown, PLLC
 3201 University Drive, Suite 250
 Auburn Hills, Michigan 48326-2394
 248/364-3090

4. Pursuant to the Real Estate Mortgage, Petitioner Wells Fargo Home Mortgage, holds an interest in 4637 Palmer, which is a lien on any interest held by Defendants in this proceeding and as such, is superior to that granted by this Court's Preliminary Order of Forfeiture.

5. At the time that Petitioner Wells Fargo Home Mortgage, acquired its interest in 4637 Palmer, it was without knowledge and had no cause to believe that the property was subject to forfeiture or was derived from proceeds directly or indirectly resulting from the violations for which Defendants are charged. Petitioner Wells Fargo Home Mortgage, is entitled to defense of the forfeiture action as an Innocent Owner.

6. Pursuant to the F.R.C.P. at Rule 32.2.C and 21 U.S.C. § 853(N), Petitioner Wells Fargo Home Mortgage, requests this Court schedule a hearing to determine the validity of the claim of Wells Fargo Home Mortgage in 4637 Palmer and its claim as an Innocent Owner relative to that property.

7. The representations and statement of facts contained in this Petition are true and this Petition is executed pursuant to 21 U.S.C. § 853(N) under penalty of perjury.

Wells Fargo Home Mortgage

By: *Amberette Brennan*

Its: *Vice President*

Subscribed and sworn to before me
 this 10th day of March 2005.

Amanda N. Miller
 Notary



Respectfully submitted,
 Kus, Ryan, Schluentz & Brown, PLLC

Michael J. Ryan
 Michael J. Ryan (P34785)
 Attorney for Petitioner Wells Fargo Home Mortgage
 3201 University Dr., Ste. 250
 Auburn Hills, MI 48326-2394
 (248) 364-3090

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal Case No. 03-80810
Hon. Gerald E. Rosen

D-1 AHMAD MUSA JEBRIL,
D-2 MUSA ABDULLAH JEBRIL,

Defendants.

PROOF OF SERVICE

The undersigned certifies that a copy of Claim of Interest in Real Property and Petition for Hearing, along with Proof of Service, was served upon:

Julie A. Beck
Assistant U.S. Attorney
211 W. Fort Street, Ste. 2001
Detroit, MI 48226

by mailing same to her at the address shown above, with postage fully prepaid thereon for first class mail, on the 11th day of March 2005. I declare under the penalty of perjury that the statement above is true to the best of my knowledge, information, and belief.



Carol D. Meldrum

Kus, Ryan, Schlentz & Brown, PLLC
3201 University Drive, Suite 250
Auburn Hills, Michigan 48326-2394
248/364-3090